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Application No. 09/773,581
Amendment dated May 5, 2005
Reply to Office Action of November 5, 2004

- REMARKS/ARGUMENTS -

Claims 1, 3 to 8, 10 to 13 and 15 to 18 remain in the application.

Claims, 1, 3, 7, 10 to 13 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wing, in view of Wood et al.

According to the Examiner, Figure 2 of Wood et al. illustrates that the rail engaging member 40 is capable of mounting to various locations along the length of the panel because of various holes that are vertically disposed along the vertical length of the panel.

It is respectfully submitted that Wood et al.'s vertically spaced-apart holes 32 are also used for securing shelves 28 along the length of the panel. The holes 32 in which the bracket 40 can be mounted are the only ones aligned with cutout portion 40. The remaining holes are solely used for the shelves. The bracket 40 can solely be mounted in the cutout portion 44 in the rear edge 42 of the panel; otherwise, the slots 52 in sides 50 would not be aligned with holes 32. Therefore, Wood et al. does not teach or suggest mounting a rail engaging member along a cutout-free rear edge portion extending along a major portion of the length of the panels, as recited in independent claims 1 and 15. It is not because holes 32 are vertically distributed all along the length of the panel that bracket 40 can be installed anywhere along the rear edge of the panel.

The Examiner also states that Wood et al. has been applied for its teaching and the test for obviousness is not whether the features of the reference may be bodily incorporated into the structure of another reference but what the combined teaching of those references would have suggested to those of ordinary skill in the art.

In this regard, the Applicant would like to draw the Examiner's attention to column 3, last paragraph and to column 4, first paragraph of Wood et al., where it is clearly stated that a cutout 44 is defined in the rear edge 42 of each panel for receiving the bracket and the rail in order to eliminate any gap between the wall and the storage unit. It is respectfully submitted that this teaches away from the present invention and the primary reference (Wing) cited by the Examiner. The Applicant's present invention advantageously eliminates the need for any cutout portion at the rear of the panels, which provide time and cost manufacturing savings,

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while providing a new wall mounted storage system, that is less sensitive to the irregularities and imperfections of the wall surface to which the storage unit is mounted.

The man skilled in the art would certainly not arrive at these conclusions, after having read Wood et al. and Wing. Rather, the man skilled in the art would come to the conclusion that one of these references teaches providing a gap behind a storage unit, while the other teaches avoiding such gap.

The Applicant's present invention, as recited in independent claims 1 and 15, is structurally different from both Wood et al. and Wing, taken alone or in combination, and provides significant advantages (adjustability, flexibility, time and cost savings, etc.), which cannot be deduced from the combined teachings of these two references. Both cited references teach changing the position on the rail 16 to adjust the height of the unit with respect to the floor. None of the cited references teaches any mechanism whereby the storage panel can be manufactured without any cutouts being defined in the rear edge of the panels, which accommodates wall variations and which provides wide flexibility in the adjustment of the position of the unit relative to the rail or the wall.

In view of the foregoing, independent claims 1 and 15 are clearly patentable over the cited references, and an early action to this effect would be much appreciated.

In view of the number of Office Actions and Amendments generated in the present application, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application can be concluded in an efficient manner, in order to save the Applicant any additional expense.

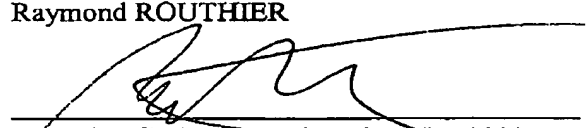
Respectfully submitted,

Raymond ROUTHIER

By:

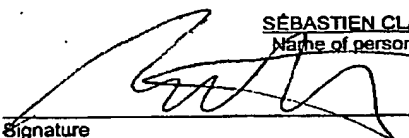
May 5, 2005

Date


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